

The Virgin Islands Consortium

700 "Toxic Tort" Lawsuits Filed Against HESS And Martin Marietta Sitting In Court For Years (Pt. 1)

Exclusive / **Published On June 08, 2015 11:41 AM /**

Ernice Gilbert **June 08, 2015**



ST. CROIX - On January 23, 2015, the Administrative Judge of the Virgin Islands Superior Court, Harold W.L. Willocks, issued an order calling for a global conference with attorneys attached to hundreds of cases against the "former oil refinery" (HESS) or "aluminum refinery" (Martin Marietta/Lockheed Martin, VIALCO, St. Croix Alumina and now St. Croix Renaissance Group, LLLP), pending in the Superior Court's case files.

The conference order was issued to best determine how the court should move forward with the hundreds of cases against the former refineries in relation to lawsuits alleging toxic tort claims. Payout to plaintiffs of similar cases have resulted in settlements worth tens of millions of dollars; however, with 700 cases of plaintiffs claiming exposure to

chemicals that caused them to fall ill, the cost for the firms involved could rise to over \$1 billion, of which HESS would see the bulk of the liability because most of the cases were leveled against the now-shuttered refinery.

Many of the claims are relatively new, including asbestos lawsuits filed in 2013 and 2014. However, some cases date back 17 years to 1998. See all the lawsuits as well as Judge Willocks' order, [here](#).

Senator Nereida “Nellie” Rivera-O'Reilly told *VI Consortium* she proposed legislation that would make it easier for a judgement to be entered and settlement agreed upon if a plaintiff dies of injuries arising from the plaintiff's claims. The senator also made known that she's asked the Governor Kenneth Mapp administration to appoint another judge to the island's Superior Court arm, after asking former Governor John P. de Jongh to add a fifth judge to the St. Croix court system to no avail. A resolution was also submitted in the 30th Legislature according to Rivera-O'Reilly, but it was never processed.

The senator was shedding light on a problem that has persisted for years in the territory's court system regarding the disparity of Superior Court judges between the St. Croix and St. Thomas-St. John districts.

Virgin Islands Code mandates an equal distribution of no more than 12 Superior Court judges for the two districts. However, currently only 4 are serving on St. Croix while the St. Thomas/St. John district currently has 5 judges in operation.

This has placed a burden on the St. Croix court system to handle the many cases it sees, and it was highlighted as one of the reasons the HESS and Martin Marietta/Lockheed Martin cases have lingered so long. Even so, past governors have failed to rectify the issue.

The global conference was held in February, and according to Rivera-O'Reilly, although Judge Robert A. Molloy was ordered to move the cases forward, that hasn't happened because the St. Croix judicial system lacks the resources.

To solve the problem, the Virgin Islands Bar Association Board of Governors introduced a resolution calling on Governor Mapp to "promptly submit legislation for the vacant fifth judgeship in the St. Croix division of the Superior Court of the Virgin Islands, and for the 31st Legislature, the Chief Justice of the Supreme Court, and the Presiding Judge of the Superior Court."

Read the full resolution [here](#).

The results of the resolution and other actions being taken to correct the problem will have great implications on the shuttered HOVENSA refinery, as its owners are currently searching for a buyer. The question remains who will be liable for the hundreds of lawsuits filed against the once-mammoth company on the south shore of St. Croix.